

MAR 17 2003

PTO/SB/61 (7-99)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

3.11.03

Date

Theodore Naccarella
Signature

Telephone

Number: (215) 923-4466

Theodore Naccarella, Reg. No. 33,023

Typed or printed name

Synnestvedt & Lechner, 2600 Aramark Tower,

Address

1101 Market St., Philadelphia, PA 19107

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Small Entity Status Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

3/11/2003
Date

Sara Harvell
Signature

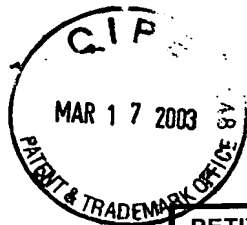
Sara Harvell

Typed or printed name of person signing certificate

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OFFICE OF PETITIONS



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid CMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
2

First named inventor: Katherine Grace August, et al.

Group Art Unit: 2654

Application Number: 09/303,057

Examiner: M. Opsasnick

Filed: April 30, 1999

Title: GRAPHICAL USER INTERFACE AND METHOD FOR MODIFYING PRONUNCIATIONS IN
TEXT-TO-SPEECH AND SPEECH RECOGNITION SYSTEMS

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

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NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action
by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period
set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed
before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☐ small entity - fee \$ _____ (37 CFR 1.17(l)).
- ☐ small entity statement enclosed herewith.
- ☐ small entity statement previously filed.
- ☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ a Response to Office Action of 12/5/01 (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any
comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office,
Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents,
Washington, DC 20231.

03/17/2003 SLUAN61 00000037 09303057

01 FC:1452

110.00 OP



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

3.11.03

Date



Signature

Theodore Naccarella

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

SEE ATTACHED STATEMENT

(Please attach additional sheets if additional space is necessary)

#10



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **Katherine Grace August and Michelle McNerney**

Application No.: **09/303,057**

Examiner: **M. Opsasnick**

Filed: **April 30, 1999**

Group Art Unit: **2654**

Title: **GRAPHICAL USER INTERFACE AND METHOD FOR MODIFYING
PRONUNCIATIONS IN TEXT-TO-SPEECH AND SPEECH
RECOGNITION SYSTEMS**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service on March 11, 2003, in an envelope as First Class Mail, postage prepaid, addressed to: Commissioner for Patents, Box DAC, Washington, D.C. 20231.

3/11/2003
Date

Sara Harvell
Sara Harvell

Commissioner for Patents
Box DAC
Washington, DC 20231

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**STATEMENT IN SUPPORT OF PETITION TO REVIVE AN
ABANDONED PATENT APPLICATION WHEN OFFICE
ACTION WAS NOT RECEIVED BY APPLICANT**

Dear Sir:

Pursuant to the Official Gazette Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" and MPEP §711.03(c) II, applicant provides the statements below in support of its petition to revive the above-identified application.

- 1) The Official Gazette Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" (1152 O.G. 53 (November 16, 1993) states:

The showing required to establish the failure to receive an Office actio [sic] must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

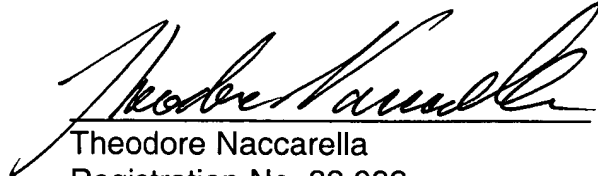
- 2) The above-referenced application was filed on April 30, 1999 on behalf of the assignee and the applicants by the law firm of Brown Raysman Millstein Felder & Steiner, LLP ("Brown").
- 3) On August 18, 1999, the law firm of Synnestvedt & Lechner, LLP ("S&L") filed in this application a Response to the Notice to File Missing Parts dated May 27, 1999 and an Associate Power of Attorney and Revocation of Prior Powers, including a request that all further correspondence in this case be mailed to the undersigned attorney at S&L. A copy of the Associate Power of Attorney and Revocation of Prior Powers is attached hereto as Exhibit A.
- 4) On September 1, 1999, the Patent and Trademark Office ("Office") mailed to S&L an acceptance of the Withdrawal of Attorney/Power of Attorney indicating that all future correspondence in this case would be sent to the undersigned attorney. A copy of this acceptance is attached as Exhibit B.

- 5) On April 20, 2000, S&L filed formal drawings with the Office in this application.
- 6) A first Office Action apparently was issued by the Office in this application on December 5, 2001.
- 7) S&L (including Applicant's undersigned counsel) did not receive the December 5, 2001 Office Action.
- 8) A search of the file jacket and docket records of S&L for this application indicates that the Office Action was not received by S&L.
- 9) A copy of S&L's docket record for March 5, 2002, where the non-received Office Action would have been entered as due for response had it been received and docketed is attached hereto as Exhibit C. S&L's docket number for this application is 23141. Please note that the due date is not listed on the docket.
- 10) The undersigned attorney called the Office on December 7, 2002 and requested a copy of the Office Action dated December 5, 2001. A fax copy of the Office Action was received on December 19, 2002 and is attached hereto as Exhibit D.
- 11) Accordingly, a response to the Office Action of December 5, 2001 is being submitted herewith.

- 12) Although not believed to be pertinent to this petition, the undersigned counsel has contacted personnel at Brown (Applicant/Assignee's former counsel) and learned that Brown did not receive the Office Action of December 5, 2001 either.

Respectfully submitted,

Dated: 3.11.03

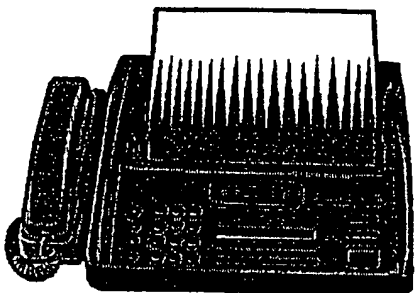

Theodore Naccarella
Registration No. 32,023

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1101 Market Street
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-218

Attorneys for Applicant



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington D.C. 20231



TELECOPY/FACSIMILE TRANSMISSION COVER SHEET

DATE:

12/17/02

TO:

MR. TED NACCARELLA
(NAME)RE: 04/303057 - Office Action Copy

(COMPANY OR FIRM)

215-923-2189

(FAX NO.)

FROM:

EX. MIKE OPSASWICK
(NAME)703-305-4089

(VOICELINE NO.)

NUMBER OF PAGES 7 (including this page)

If you have not received all pages of this transmission, please contact
the Patent Office Telefax Operator.

☐ PATENT EXAMINING CORPS AND ASST. COMMISSIONER'S OFFICE TELEFAX
VOICELINE @ 703-308-1353
TELEFAX MACHINES @ 703-308-37[18, 19, 20]
TELEFAX LOCATION: CRYSTAL PLAZA BLDG. 3/4 3056

☐ OTHER TELECOPIER NUMBER: _____

☐ OTHER VOICELINE NUMBER: _____

☐ TECHNOLOGY CENTER 2700
TELEFAX MACHINE: 703-305-9508
TELEFAX LOCATION: CRYSTAL PARK 2, ROOM 8Y02

Lucent

FOR FILE	<u>23141 USA</u>
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DEC 19 2002	
SYNNESTVEDT & LECHNER	
ATTEN:	<u>TXN</u>



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,057	04/30/1999	KATHERINE GRACE AUGUST	3376/34	7835

7590

12/05/2001

BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP
900 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Lucent

FOR FILE	23141 USA
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DEC 19 2002	
SYNNESTVEDT & LECHNER	
ATTN:	TXN

Office Action Summary

Application No.

09/303,057

Applicant(s)

AUGUST ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

Period for

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

- 10) ☒ The drawing(s) filed on 4/31/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

2a) ☐ Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No.(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No.(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Application/Control Number: 09/303057

Page 2

Art Unit: 2645

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackmer et al (5393236).

As per claims 1, 15, and 23, Blackmer et al (5393236) teaches a computer allowing a user to set a pronunciation of a string of characters (Fig. 1 subblock 19) comprising:

“allowing the user to select one or more characters in the string, and retrieving from a database accessible by the computer a plurality of samples.....retrieved samples” as the user selecting string and retrieving the pronunciation (col. 19 lines 1-34);

“allowing the user.....samples, storing a first pronunciation record comprising.....selected by the user” as use storing the user’s pronunciator (col. 19 line 50 - col. 20 line 10)

As per claims 2 and 16, Blackmer et al (5393236) teaches comprising:

Application/Control Number: 09/303057

Page 3

Art Unit: 2645

“generating a pronunciation.....outputting the generated pronunciation” as audible output of the pronunciation (col. 19 lines 40-45)

As per claims 3 and 17, Blackmer et al (5393236) teaches allowing the user to select another of the displayed samples after audibly outputting the generated pronunciation as selecting the displayed pronunciation (col. 19 lines 40-45)

As per claims 4 and 18, Blackmer et al (5393236) teaches “allowing the user to select a second of the displayed samples.....selected by the user” as user selecting a second record (col. 19 lines 40-45)

As per claims 5 and 19, Blackmer et al (5393236) teaches “during a text to speech process.....pronunciation records” as choosing playing the pronunciation record (col. 19 lines 28-39)

As per claims 6-8, and 20-22, Blackmer et al (5393236) teaches “associating the first and second pronunciation files with first and second objects,.....recognizing a pronunciation of the string of characters by a user.....associating the first and second pronunciation files with first and second objects.....pronunciation record” as samples stack, personal stack, and comparing both (col. 9 lines 36 - col. 10 line 45)

As per claim 9, Blackmer et al (5393236) teaches allowing the user to identify a part of the character string as a separate syllable.....the identified syllable as storing 2 separate syllables (col. 22 lines 20-25)

Application/Control Number: 09/303057

Page 4

Art Unit: 2645

As per claim 10, Blackmer et al (\$393236) teaches identifying strings by accents (col. 22 lines 18-31)

As per claim 11, Blackmer et al (\$393236) teaches input character string (fig. 10c)

As per claim 12, Blackmer et al (\$393236) teaches the user to select the character string (fig. 10c)

As per claim 13, Blackmer et al (\$393236) teaches allowing the user to selected a preferred language (Fig. 8)

As per claim 14, Blackmer et al (\$393236) teaches selecting a second language (as choosing from multiple languages, Fig. 9)

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please see prior art listed on PTO-892 form.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Application/Control Number: 09/303057

Page 5

Art Unit: 2645

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Fan Tsang, can be reached at (703)305-4895. The facsimile phone number for this group is (703)308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

November 26, 2001

mno

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600





Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

E B

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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00-300,000 04/30/95 AUGUST

THEODORE MACCARELLA
SYNNESTVEDT AND LECHNER LLP
2600 ARAMARK TOWER
1101 MARKET STREET
PHILADELPHIA PA 19107

0262-0901

EXAMINER

NO. ART UNIT	PAPER NUMBER
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DATE MAILED:

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MAR 18 2003

OFFICE OF PETITIONS

This is in response to the Power of Attorney filed Aug 24 1997

- ☐ 1. The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.
- ☐ 2. The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record. (37 CFR 1.33).
- ☒ 3. The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

T-C B
This is a communication from the
Patent and Trademark Office

- ☒ 4. The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the below-noted address as provided by 37 CFR 1.33.
- ☐ 5. The Power of Attorney in this application is not accepted for the reason(s) checked below:
 - ☐ a. The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73 (b) has not been received.
 - ☐ b. The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.
 - ☐ c. The inventor(s) is without authority to appoint attorneys since the assignee has intervened as provided by 37 CFR 3.71.
 - ☐ d. The signature of _____, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor.
 - ☐ e. The person(s) appointed in the Power of Attorney is not registered to practice before the U. S. Patent & Trademark Office.
 - ☐ f. The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.

THEODORE MACCARELLA
SYNNESTVEDT AND LECHNER LLP
2600 ARAMARK TOWER
1101 MARKET STREET
PHILADELPHIA PA 19107

Lucent
23141 USA
SEP 22 1999
SYNNESTVEDT AND LECHNER
ATTN: TXal

B. Harrison T-C
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